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09/824,049	04/03/2001	Pascal Agin	Q63748	9277

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SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC  
Suite 800  
2100 Pennsylvania Avenue, N.W.  
Washington, DC 20037-3213

EXAMINER

PERSINO, RAYMOND B

ART UNIT

PAPER NUMBER

2682

DATE MAILED: 12/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/824,049

Applicant(s)

AGIN

Examiner

Raymond B. Persino

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --****Period for Reply****A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-13 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-13 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
  - a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.

- 4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_ .
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_ .

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 11 and 12 are rejected under 35 U.S.C. 112, first paragraph, because the claims recite only a single means. Where a means recitation does not appear in combination with another recited element of means, the claim is subject to an undue breadth rejection. See MPEP 2164.08(a).

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2 and 11-13 are rejected under 35 U.S.C. 102(b) as being anticipated by BRUCKERT et al (US 5,446,727 A).

Regarding claim 1, BRUCKERT et al discloses a method of adjusting transmit times at the radio interface between network and mobile stations in a mobile radio system, in which method adjustments effected by said mobile stations are controlled by

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said network (column 1 lines 38-55, column 3 lines 3-12, column 3 lines 62-68 and column 4 lines 13-26).

Regarding claim 2, see the rejection of the parent claim concerning the subject matter this claim depends from. BRUCKERT et al further discloses a command for activating or deactivating said adjustments (column 1 lines 38-55, column 3 lines 3-12, column 3 lines 62-68 and column 4 lines 13-26).

Regarding claim 11, BRUCKERT et al discloses a mobile radio network equipment unit that includes means for transmitting control information for adjusting times of transmission by mobile stations (column 1 lines 38-55, column 3 lines 3-12, column 3 lines 62-68 and column 4 lines 13-26).

Regarding claim 12, BRUCKERT et al discloses a mobile station that includes means for controlling adjustment of its transmit times as a function of control information received from a network (column 1 lines 38-55, column 3 lines 3-12, column 3 lines 62-68 and column 4 lines 13-26).

Regarding claim 13, BRUCKERT et al discloses a mobile radio system that includes a mobile radio network including means for transmitting control information for adjustment of times of transmission by mobile stations and mobile stations including means for controlling adjustment of their times of transmission as a function of control information received from the network (column 1 lines 38-55, column 3 lines 3-12, column 3 lines 62-68 and column 4 lines 13-26).

3. Claims 1, 3 and 11-13 are rejected under 35 U.S.C. 102(b) as being anticipated by SUONVIERI et al (US 5,668,804 A).

Regarding claim 1, SUONVIERI et al discloses a method of adjusting transmit times at the radio interface between network and mobile stations in a mobile radio system, in which method adjustments effected by said mobile stations are controlled by said network (column 2 line 50-column 3 line 4 and column 5 lines 5-30).

Regarding claim 3, see the rejection of the parent claim concerning the subject matter this claim depends from. SUONVIERI et al further discloses a maximum amplitude command in respect of said adjustments (column 2 line 50-column 3 line 4 and column 5 lines 5-30).

Regarding claim 11, SUONVIERI et al discloses a mobile radio network equipment unit that includes means for transmitting control information for adjusting times of transmission by mobile stations (column 2 line 50-column 3 line 4 and column 5 lines 5-30).

Regarding claim 12, SUONVIERI et al discloses a mobile station that includes means for controlling adjustment of its transmit times as a function of control information received from a network (column 2 line 50-column 3 line 4 and column 5 lines 5-30).

Regarding claim 13, SUONVIERI et al discloses a mobile radio system that includes a mobile radio network including means for transmitting control information for adjustment of times of transmission by mobile stations and mobile stations including means for controlling adjustment of their times of transmission as a function of control information received from the network (column 2 line 50-column 3 line 4 and column 5 lines 5-30).

4. Claims 1, 7-9 and 11-13 are rejected under 35 U.S.C. 102(b) as being anticipated by DUPUY et al (US 5,479,409 A).

Regarding claim 1, DUPUY et al discloses a method of adjusting transmit times at the radio interface between network and mobile stations in a mobile radio system, in which method adjustments effected by said mobile stations are controlled by said network (column 8 lines 28-63 and column 9 line 57 to column 10 line 13).

Regarding claim 7, see the rejection of the parent claim concerning the subject matter this claim depends from. DUPUY et al further discloses that the control information is broadcast on a common signaling channel (column 8 lines 28-63 and column 9 line 57 to column 10 line 13).

Regarding claim 8, see the rejection of the parent claim concerning the subject matter this claim depends from. DUPUY et al further discloses that control information is transmitted over a dedicated signaling channel (column 8 lines 28-63 and column 9 line 57 to column 10 line 13).

Regarding claim 9, see the rejection of the parent claim concerning the subject matter this claim depends from. DUPUY et al further discloses that the control information is transmitted in a "soft handover" message on a dedicated signaling channel (column 8 lines 28-63 and column 9 line 57 to column 10 line 13).

Regarding claim 11, DUPUY et al discloses a mobile radio network equipment unit that includes means for transmitting control information for adjusting times of transmission by mobile stations (column 8 lines 28-63 and column 9 line 57 to column 10 line 13).

Regarding claim 12, DUPUY et al discloses a mobile station that includes means for controlling adjustment of its transmit times as a function of control information received from a network (column 8 lines 28-63 and column 9 line 57 to column 10 line 13).

Regarding claim 13, DUPUY et al discloses a mobile radio system that includes a mobile radio network including means for transmitting control information for adjustment of times of transmission by mobile stations and mobile stations including means for controlling adjustment of their times of transmission as a function of control information received from the network (column 8 lines 28-63 and column 9 line 57 to column 10 line 13).

5. Claims 1 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by TERRY (US 2002/0080749 A1).

Regarding claim 1, TERRY discloses a method of adjusting transmit times at the radio interface between network and mobile stations in a mobile radio system, in which method adjustments effected by said mobile stations are controlled by said network (abstract).

Regarding claim 10, see the rejection of the parent claim concerning the subject matter this claim depends from. TERRY further discloses that the adjustments optimize the reaction time of an inner power control loop (abstract).

6. Claims 1 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by MUSZYNSKI (US 5,722,074 A).

Regarding claim 1, MUSZYNSKI discloses a method of adjusting transmit times at the radio interface between network and mobile stations in a mobile radio system, in which method adjustments effected by said mobile stations are controlled by said network (column 10 line 3 to column 11 line 21).

Regarding claim 4, see the rejection of the parent claim concerning the subject matter this claim depends from. MUSZYNSKI further discloses a maximum frequency command in respect of said adjustments (column 10 line 3 to column 11 line 21).

#### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over SUONVIERI et al (US 5,668,804 A) in view of MUSZYNSKI (US 5,722,074 A).

Regarding claim 5, see the rejection of the parent claim concerning the subject matter this claim depends from. SUONVIERI et al further discloses a maximum amplitude command in respect of said adjustments (column 2 line 50-column 3 line 4 and column 5 lines 5-30). However, SUONVIERI et al does not disclose a maximum frequency command in respect of said adjustments. MUSZYNSKI discloses a maximum frequency command in respect of said adjustments (column 10 line 3 to column 11 line 21). Therefore it would have been obvious to a person of ordinary skill in

the art at the time the invention was made to have a maximum amplitude command and a maximum frequency command in respect of said adjustments. This is beneficial in that it gives the network great control over the mobile radio.

Regarding claim 6, see the rejection of the parent claim concerning the subject matter this claim depends from. SUONVIERI et al further discloses wherein said maximum amplitude command in respect of said adjustments caters for a null amplitude corresponding to deactivation of said adjustments (column 2 line 50-column 3 line 4 and column 5 lines 5-30).

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

AGIN (US 2001/0029169 A1)

BAINES (US 6,421,334 B1)

KIM et al (US 6,470,001 B1)

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond B. Persino whose telephone number is (703) 308-7528. The examiner can normally be reached on Monday-Thursday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian C. Chin can be reached on (703) 308-6739. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Raymond B. Persino *RP*  
Examiner  
Art Unit 2682

RP

*Vivian Chin*  
VIVIAN CHIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

12/15/03